

[DISCUSSION PROPOSAL]

Appl. No. : 09/654,274
 Applicant : Yoshiyuki Hoshi
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 TC/A.U. : 2686
 Examiner : CHARLES APPIAH
 Title : TRANSMITTER AND RECEIVER COMMUNICATION APPARATUS WITH TRANSMITTER SWITCH AND RECEIVER SWITCH
 Docket No. : 32930
 Customer No. : 000116

To: Charles Appiah
 From: Bob Bodi
 Re: 9/14 interview
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Proposal For Discussion Purposes ONLY For use at Personal Interview

Claims 1, 3-6, 9, 17, 20/1, 29, 30, 31/17, 31/29, and 31/30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rich *et al.* (U.S. 5,758,271) in view of Umemoto *et al.* (U.S. 4,939,766). For the following reasons, the rejection is respectfully traversed.

Claim 1 recites a threshold setting means for "setting a threshold of an electric field intensity level based on the *measured error rate* of the received signal, wherein said threshold setting is *varied depending on a transmission condition*" (emphasis added). Claims 3, 4, 17, 29, and 30 have similar limitations. The cited references do not teach this element as limited by the claim language.

The Examiner cites Umemoto as teaching this element of the claim. However, a close reading of the reference does not support the Examiner's assertion.

Umemoto is a device that teaches using a manual pushbutton operating key to adjust a threshold setting so that the threshold can be changed during speech communication (see Fig. 5 and accompanying text; see also col. 5, lines 33-35 and 44-46; sec further col. 7, lines 41-46 and 63-68 and col. 8 lines 44-59). Various additional manually user operated implementations are disclosed (see col. 8, lines 52-59, discussing a variable resistor; see also col. 9, lines 5-7, discussing a keypad). However, nowhere does the reference suggest that a threshold is varied based on a *measured error rate*. Thus, the reference fails to teach the cited claim limitation, and thus claims 1, 3, 4, 17, 29, and 30 are patentable over the references. The remaining claims depend on one of claims 1, 3, 4, 17, 29, and 30, and thus are patentable over the references for at least the same reasons as the parent claim.

Sincerely,
 PEARNE & GORDON LLP

By: _____
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